

SEC. 2. That the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of this Congress to the contrary notwithstanding, is authorized and empowered to issue bonds in the sum of not to exceed \$4,803,000 of the character and in the manner provided in that certain act of the legislature of said Territory, enacted at its regular session of 1935, entitled "An Act to provide for public improvements and for the securing of Federal funds for expenditure in connection with funds hereby appropriated for such improvements."

Special bond issue authorized.

Such bonds may be either term or serial bonds, maturing, in the case of the term bonds, not later than thirty years from the date of issue thereof, and, in the case of the serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years, from the date of such issue. And said act of said legislature is hereby ratified and confirmed, subject to the provisions of this Act: *Provided, however*, That nothing herein contained shall be deemed to prohibit the said act of said Territory by the legislature thereof from time to time to provide for changes in the improvements authorized by said act or for the disposition of unexpended moneys appropriated by said act, and that said bonds may be issued without the approval of the President of the United States.

Character of bonds.

Proviso.
Improvements.

Effective date.

SEC. 3. This Act shall take effect immediately.

Approved, August 3, 1935.

[CHAPTER 438.]

AN ACT

To protect the revenue of the United States and provide measures for the more effective enforcement of the laws respecting the revenue, to prevent smuggling, to authorize customs-enforcement areas, and for other purposes.

August 5, 1935.

[H. R. 7980.]

[Public, No. 238.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 1. (a) Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this Act. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under

Anti-Smuggling Act.
Customs enforcement areas; establishment authorized.

Geographical limitations.

Termination of area; when.

this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

Enforcement provisions.

(b) At any place within a customs-enforcement area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: *Provided*, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government: *Provided further*, That none of the provisions of this Act shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer.

Provisions.
Treaty vessels.

Jurisdiction of Secretary of Commerce.

Owner of United States vessel violating foreign smuggling laws.

When penalty provided for violating customs revenue laws of United States.

Punishment for.

Vessels chartered with knowledge of lessee's intent to violate provisions.

Seizure and forfeiture of vessel and cargo; United States vessels.

SEC. 2. (a) Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be liable to a fine of not more than \$5,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

(b) It shall constitute an offense under this section to hire out or charter a vessel if the lessor or charterer has knowledge that, or if such vessel is leased or chartered under circumstances which would give rise to a reasonable belief that, the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in subsection (a) and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose.

SEC. 3. (a) Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for viola-

tion of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been, employed, or attempted to be employed, within the United States for any such purpose, or in anywise in assistance thereof, or whenever any vessel of the United States which shall be found, or discovered to have been, employed, or attempted to be employed at any place, for any such purpose, or in anywise in assistance thereof, if not subsequently forfeited to the United States or to a foreign government, is found at any place at which any such vessel may be examined by an officer of the customs in the enforcement of any law respecting the revenue, the said vessel and its cargo shall be seized and forfeited.

(b) Every vessel which is documented, owned, or controlled in the United States, and every vessel of foreign registry which is, directly or indirectly, substantially owned or controlled by any citizen of, or corporation incorporated, owned, or controlled in, the United States, shall, for the purposes of this section, be deemed a vessel of the United States.

Vessels owned or controlled in United States.

(c) For the purposes of this section, the fact that a vessel has become subject to pursuit as provided in section 581 of the Tariff Act of 1930, as amended, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law, shall be prima facie evidence that such vessel is being, or has been, or is attempted to be employed to defraud the revenue of the United States.

Vessels suspected of smuggling activities; presumption arising. Vol. 46, p. 747.

SEC. 4. Subject to appeal to the Secretary of Commerce and under such regulations as he may prescribe, whenever the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, licensed, or numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such collector that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section.

Documentation of suspected vessels; refusal; appeal.

Indemnification.

SEC. 5. Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law.

Forfeited vessels; destruction.

SEC. 6. Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than thirty net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any

Vessels of less than thirty net tons burden; importations on, prohibited; exceptions.

other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be prima facie evidence of the foreign origin of such merchandise.

Liquor importations;
certificate to accom-
pany.

Issue of.

Seizure and forfeiture
when imported with-
out certificate.

Liquor in transit to
foreign port; bond.

Proviso.
Erroneous certificate.

Effective date of sec-
tion.

Liability of master.

Penalty provisions.

SEC. 7. In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. This section shall take effect on the sixtieth day following the enactment of this Act.

SEC. 8. (a) If the master of any vessel of the United States, not exceeding five hundred net tons, allows such vessel to be laden at any foreign port or other place without the United States with any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors (sea stores excepted), which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, without certificate issued for the importation of such merchandise into the United States as required by section 7, the master of such vessel shall, in addition to any other penalties provided by law, be liable to a penalty equal to the value of the said merchandise but not less than \$1,000 and such vessel and such merchandise shall be seized and forfeited.

(b) Whoever, being a citizen of the United States or a master or a member of the crew of a vessel of the United States, if such vessel does not exceed five hundred net tons, shall, with intent to defraud the revenue of the United States, procure, or aid or assist in procuring, any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors, without certificate issued for the importation thereof into the United States as required by section 7, to be laden upon such vessel at any foreign port or other place without the United States, which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evi-

dence, shall, in addition to any other penalties provided by law, be liable to a fine of not more than \$1,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

TITLE II

SECTION 201. Section 401 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1401) is amended by adding at the end thereof the following new paragraphs:

“(1) OFFICER OF THE CUSTOMS.—The term ‘officer of the customs’ means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector, to perform the duties of an officer of the Customs Service.

“(m) CUSTOMS WATERS.—The term ‘customs waters’ means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

“(n) HOVERING VESSEL.—The term ‘hovering vessel’ means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

“For the purposes of sections 432, 433, 434, 448, 585, and 586 of this Act, any vessel which has visited any hovering vessel shall be deemed to arrive or have arrived, as the case may be, from a foreign port or place.”

SEC. 202. Section 436 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1436) is amended by omitting the period at the end thereof and adding the following: “and, if the vessel have, or be discovered to have had, on board any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or any spirits, wines, or other alcoholic liquors, such master shall be subject to an additional fine of not more than \$2,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

“Every master who presents a forged, altered, or false document or paper on making entry of a vessel as required by section 434 or 435 of this Act, knowing the same to be forged, altered, or false and without revealing the fact, shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$5,000 nor less than \$50 or to imprisonment for not more than two years, or to both such fine and imprisonment.”

SEC. 203 (a) Section 581 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1581) is amended to read as follows:

“SEC. 581. BOARDING VESSELS

“(a) Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under the Anti-Smuggling Act, or at

Tariff Act of 1930, amendment.
Vol. 46, p. 708; U. S. C., p. 879.
Definitions.
“Officer of the customs.”

“Customs waters.”

“Hovering vessel.”

Vol. 46, pp. 710, 714, 749.

Liability of master; additional penalties.
Vol. 46, p. 711; U. S. C., p. 881.
Vessel having on board prohibited merchandise.

Master presenting false document.

Enforcement provisions.

Vol. 46, p. 747; U. S. C., p. 896.

Boarding vessels.
Authority of customs officers.

any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

Of officers of Commerce Department.

"(b) Officers of the Department of Commerce and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

Presentation of false document by master of vessel being examined.

"(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$5,000 nor less than \$500.

Penalties.

Vessel failing to comply with stop signal; pursuit.

"(d) Any vessel or vehicle which, at any authorized place, is required to come to a stop by any officer of the customs, or is required to come to a stop by signal made by any vessel employed in the service of the customs displaying the ensign and pennant prescribed for such vessel by the President, shall come to a stop, and upon failure to comply, a vessel so required to come to a stop shall become subject to pursuit and the master thereof shall be liable to a fine of not more than \$5,000 nor less than \$1,000. It shall be the duty of the several officers of the customs to pursue any vessel which may become subject to pursuit, and to board and examine the same, and to examine any person or merchandise on board, without as well as within their respective districts and at any place upon the high seas or, if permitted by the appropriate foreign authority, elsewhere where the vessel may be pursued as well as at any other authorized place.

Penalty.

Duty of customs officers to pursue.

Seizure of vessels; arrests.

"(e) If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

When revenue laws violated.

"(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.

Vessels outside customs waters unlawfully introducing merchandise; boarding, etc.

"(g) Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

Treaty vessels; jurisdiction over.

"(h) The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine,

search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government."

(b) Section 3072 of the Revised Statutes (U. S. C., title 19, sec. 506) is hereby repealed.

SEC. 204. (a) The last paragraph of section 584 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1584) is amended to read as follows:

"If any of such merchandise so found consists of heroin, morphine, or cocaine, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 594 of this Act (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law."

(b) Section 584 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1584) is amended by adding at the end thereof the following new paragraph:

"If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 7 of the Anti-Smuggling Act and the required certificate be not shown, be so found upon any vessel not exceeding five hundred net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred."

Seizures.

R. S., sec. 3072, p. 590; U. S. C., p. 822.

Vol. 46, p. 748; U. S. C., p. 897.

Falsity or lack of manifest.

Unmanifested nar-

cotics importation.

Penalty for.

Penalties to constitute lien on vessel; enforcement.

Vol. 46, p. 751.

Exception; master of vessel used as common carrier.

Withholding clearance of vessels.

Vol. 46, p. 748; U. S. C., p. 897.

Vessels having prohibited merchandise or undocumented liquors on board.

Seizure and forfeiture.

Liability of master.

Proviso. Lost or erroneous certificate.

Vol. 46, p. 749; U. S. C., p. 897.

SEC. 205. Section 586 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1586) is amended to read as follows:

"SEC. 586. UNLAWFUL UNLADING OR TRANSSHIPMENT

Unlawful unloading or transshipment.

Liability of master; unlawful unloading within customs waters.

Penalty provision.

Upon the high seas adjacent to customs waters for transshipment.

Penalty provision.

Transshipment of prohibited cargoes on high seas to United States vessel.

Penalty provision.

Liability of vessel, etc., receiving prohibited transshipped cargo.

Of persons assisting in transshipment.

Exempt cargoes; notification required.

"(a) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and such vessel and its cargo and the merchandise so unladen shall be seized and forfeited.

"(b) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen from his vessel at any place upon the high seas adjacent to the customs waters of the United States to be transshipped to or placed in or received on any vessel of any description, with knowledge, or under circumstances indicating the purpose to render it possible, that such merchandise, or any part thereof, may be introduced, or attempted to be introduced, into the United States in violation of law, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

"(c) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) destined to the United States, the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen, without permit to unlade, at any place upon the high seas adjacent to the customs waters of the United States, to be transshipped to or placed in or received on any vessel of the United States or any other vessel which is owned by any person a citizen of, or domiciled in, the United States, or any corporation incorporated in the United States, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

"(d) If any merchandise (including sea stores) unladen in violation of the provisions of this section is transshipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than \$1,000, and such vessel, and its cargo and such merchandise, shall be seized and forfeited.

"(e) Whoever, at any place, if a citizen of the United States, or at any place in the United States or within one league of the coast of the United States, if a foreign national, shall engage or aid or assist in any unloading or transshipment of any merchandise in consequence of which any vessel becomes subject to forfeiture under the provisions of this section shall, in addition to any other penalties provided by law, be liable to imprisonment for not more than two years.

"(f) Whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which such cargo or stores has been transshipped shall, as soon as possible thereafter, notify the collector of the district within which such unloading or transshipment has occurred, or the

collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unloading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unloading or transshipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred."

SEC. 206. Section 587 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1587) is amended to read as follows:

"SEC. 587. EXAMINATION OF HOVERING VESSELS

"(a) Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act, to display lights as required by law, or which has become subject to pursuit as provided in section 581 of this Act, or which, being a foreign vessel to which subsection (h) of said section 581 applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than \$5,000 nor less than \$500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is destined to the United States.

"(b) If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

"(c) Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is bona fide bound from one foreign port to another foreign port, and which is pursuing her course, wind and weather permitting."

SEC. 207. Section 615 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1615) is amended by inserting a comma in place of the period at the end thereof and adding the following: "subject to the following rules of proof:

"(1) The testimony or deposition of the officer of the customs who has boarded or required to come to a stop or seized a vessel or vehicle, or has arrested a person, shall be prima facie evidence of the place where the act in question occurred.

Vol. 46, p. 749; U. S. C., p. 897.

Examination of hovering vessels.

Boarding, etc., by customs officers.

Examination of master.

Penalty when master refuses to comply with directions.

Seizure and forfeiture.

Vessels within customs waters having discharged prohibited cargo.

Exempt vessels.

Burden of proof in forfeiture proceedings. Vol. 46, p. 787. U. S. C., p. 901. Rules.

Testimony to fix place where act occurred.

Marks indicative of foreign origin.

"(2) Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise¹ or containers of merchandise, shall be prima facie evidence of the foreign origin of such merchandise.

Vessels in vicinity of hovering vessel.

"(3) The fact that a vessel of any description is found, or discovered to have been, in the vicinity of any hovering vessel and under any circumstances indicating contact or communication therewith, whether by proceeding to or from such vessel, or by coming to in the vicinity of such vessel, or by delivering to or receiving from such vessel any merchandise, person, or communication, or by any other means effecting contact or communication therewith, shall be prima facie evidence that the vessel in question has visited such hovering vessel."

R. S., sec. 3062, p. 588; U. S. C., p. 821.

SEC. 208. Section 3062 of the Revised Statutes (U. S. C., title 19, sec. 483) is amended to read as follows:

Seizures and forfeitures.

"SEC. 3062. (a) All vessels, with the tackle, apparel, and furniture thereof, and all vehicles, animals, aircraft, and things with the tackle, harness, and equipment thereof, used in, or employed to aid in, or to facilitate by obtaining information or otherwise, the unloading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any merchandise upon the same or otherwise unlawfully introduced, or attempted to be introduced into the United States, shall be seized and forfeited.

Liability of members of crew, etc.

"(b) Any member of the crew of any such vessel and any person who assists, finances, directs, or is otherwise concerned in the unloading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any such merchandise exceeding \$100 in value, or into whose control or possession the same shall come without lawful excuse, shall, in addition to any other penalty, be liable to a penalty equal to the value of such goods, to be recovered in any court of competent jurisdiction, or to imprisonment for not more than five years, or both."

R. S., sec. 4197, p. 809; U. S. C., p. 1989.

SEC. 209. Section 4197 of the Revised Statutes, as amended (U. S. C., title 46, sec. 91), is amended by striking out the second sentence and inserting in lieu thereof the following:

Clearances; granting.

"If any vessel bound to a foreign port (other than a licensed yacht not engaging in any trade nor in any way violating the revenue laws of the United States) departs from any port or place in the United States without a clearance, or if the master delivers a false manifest, or does not answer truly the questions demanded of him, or, having received a clearance adds to the cargo of such vessel without having mentioned in the report outwards the intention to do so, or if the departure of the vessel is delayed beyond the second day after obtaining clearance without reporting the delay to the collector, the master or other person having the charge or command of such vessel shall be liable to a penalty of not more than \$1,000 nor less than \$500, or if the cargo consists in any part of narcotic drugs, or any spirits, wines, or other alcoholic liquors (sea stores excepted), a penalty of not more than \$5,000 nor less than \$1,000, for each offense, and the vessel shall be detained in any port of the United States until the said penalty is paid or secured."

Penalty provisions.

Undocumented vessels; numbering.
Vol. 40, p. 602; U. S. C., p. 2007.
Certificate of number award.

SEC. 210. Section 1 of the Act approved June 7, 1918 (40 Stat. 602; U. S. C., title 46, sec. 288), is amended by adding at the end thereof the following new sentence: "When a number is awarded to a vessel under the provisions of this Act, a certificate of such award shall be issued by the collector, the said certificate to be at all times kept on board of such vessel and to constitute a document in lieu of enrollment or license."

¹ So in original.

TITLE III

SECTION 301. Section 434 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1434) is amended by inserting after the words "as indicated in the register" a comma and the following: "or document in lieu thereof,".

Entry of American vessels.
Vol. 46, p. 711; U. S. C., p. 881.

SEC. 302. Subsection (3) of section 441 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1441 (3)) is amended to read as follows:

Vessels not required to enter.
Vol. 46, p. 712; U. S. C., p. 882.

"(3) Yachts of fifteen gross tons or under not permitted by law to carry merchandise or passengers for hire and not visiting any hovering vessel, nor having at any time or, if forfeited to the United States or to a foreign government, at any time after forfeiture, become liable to seizure and forfeiture for any violation of the laws of the United States."

Yachts.

SEC. 303. So much of section 585 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1585) as comes after the words "and the person in charge of such vehicle shall be liable to a fine of \$500," is amended to read as follows: "and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States."

Departure without making report or entry.
Vol. 46, p. 749; U. S. C., p. 897.

Forfeiture.

SEC. 304. (a) Section 591 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1591) is amended by inserting after the words "or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement," the following: "whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement;".

Fraudulent entry of imported merchandise; penalties, personal.
Vol. 46, p. 750; U. S. C., p. 898.

(b) Section 592 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1592) is amended by inserting after the words "or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement," the following: "whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement;".

Penalties against goods.
Vol. 46, p. 750; U. S. C., p. 898.

SEC. 305. (a) Section 619 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1619) is amended by inserting after the words "customs laws" wherever they appear in that section the words "or the navigation laws".

Informers, awards to.
Vol. 46, p. 758; U. S. C., p. 901.

(b) Section 619 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1619) is amended by adding at the end thereof the following new sentence: "If any vessel, vehicle, merchandise, or baggage is forfeited to the United States, and is thereafter, in lieu of sale, destroyed under the customs or navigation laws or delivered to any governmental agency for official use, compensation of 25 per centum of the appraised value thereof may be awarded and paid by the Secretary of the Treasury under the provisions of this section, but not to exceed \$50,000 in any case."

Amount.

SEC. 306. So much of section 621 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1621) as precedes the proviso is amended to read as follows: "No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when the alleged offense was discovered:".

Limitation of actions to recover fines or forfeitures.
Vol. 46, p. 758; U. S. C., p. 901.

R. S., sec. 3068, p. 589; U. S. C., p. 729.

Masters obstructing revenue officers; penalty.

R. S., sec. 2764, p. 535; U. S. C., p. 500.

Coast Guard vessels; ensign and pennant.

Wrongful display by other vessels; penalty.

Extent of United States jurisdiction.

Wrongful use of official uniform or badge; penalty.

R. S., sec. 4189, p. 808; U. S. C., p. 1933.
Fraudulent documentation.

R. S., sec. 4218, p. 812; U. S. C., p. 1990.
Yachts; entry; manifest of dutiable articles.

R. S., sec. 4336, p. 838; U. S. C., p. 2006.

Inspection of register, enrollment, or license.

Penalty; failure to exhibit.

R. S., sec. 4377, p. 846; U. S. C., p. 2011.

License of vessel; penalty for violation.

SEC. 307. Section 3068 of the Revised Statutes (U. S. C., title 18, sec. 122) is amended to read as follows:

"SEC. 3068. If the master of any vessel shall obstruct or hinder, or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue or navigation laws of the United States, he shall for every such offense be liable to a penalty of not more than \$2,000 nor less than \$500."

SEC. 308. Section 2764 of the Revised Statutes (U. S. C., title 14, sec. 64) is amended to read as follows:

"SEC. 2764. (a) Coast Guard vessels shall be distinguished from other vessels by an ensign and pennant, of such design as the President shall prescribe, the same to be flown as circumstances require. If any vessel or boat, not employed in the service of the customs, shall, within the jurisdiction of the United States, without authority, carry or hoist any pennant or ensign prescribed for, or intended to resemble any pennant or ensign prescribed for, Coast Guard vessels, the master of the vessel so offending shall be liable to a fine of not less than \$1,000 and not more than \$5,000, or to imprisonment for not less than six months and not more than two years, or to both such fine and imprisonment.

"(b) For the purposes of this section, any place in the United States or within the customs waters of the United States as defined in the Anti-Smuggling Act, shall be deemed within the jurisdiction of the United States."

SEC. 309. Whosoever without authority shall use the uniform or badge of the Coast Guard, or the Customs Service, or of any foreign revenue service, or any uniform, clothing, or badge resembling the same, while engaged, or assisting, in any violation of any revenue law of the United States, shall be fined not more than \$500 and imprisoned not more than two years.

SEC. 310. Section 4189 of the Revised Statutes (U. S. C., title 46, sec. 60) is amended by striking out the words "not entitled to the benefit thereof".

SEC. 311. Section 4218 of the Revised Statutes, as amended (U. S. C., title 46, sec. 106), is amended by inserting after the words "except those of fifteen gross tons or under" the words "exempted by law,".

SEC. 312. Section 4336 of the Revised Statutes (U. S. C., title 46, sec. 277) is amended to read as follows:

"SEC. 4336. Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of \$100, unless the failure to do so is willful in which case he shall be liable to a penalty of \$1,000 and to a fine of not more than \$1,000 or imprisonment for not more than one year, or both."

SEC. 313. Section 4377 of the Revised Statutes (U. S. C., title 46, sec. 325) is amended to read as follows:

"SEC. 4377. Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is employed in any trade whereby the revenue of the United States is defrauded, or is found with a forged or altered license, or one granted for any other vessel, or with merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, such vessel with her tackle, apparel and furni-

ture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever. For the purposes of this section, marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any vessel, shall be prima facie evidence of the foreign origin of such merchandise."

When licensed for mackerel fishing.

Marks of foreign origin; presumption.

SEC. 314. Section 7 of the Act approved June 19, 1886 (ch. 421, 24 Stat. 81; U. S. C., title 46, secs. 317, 319), as in part repealed by the Act of February 28, 1933 (47 Stat. 1349), is amended by striking out the period at the end of the first sentence and inserting a comma in lieu thereof, and by striking out the second sentence and inserting in lieu thereof the following: "and if she have on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, she shall, together with her tackle, apparel and furniture, and the lading found on board, be forfeited. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found on board such vessel, shall be prima facie evidence of the foreign origin of such merchandise. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine or forfeiture shall not be incurred."

Vol. 24, p. 81; U. S. C., p. 2010.

Vol. 47, p. 1349.

Trading by unlicensed vessels.

Vessels having on board tax-unpaid goods.

Forfeiture.

Marks of foreign origin; presumption.

TITLE IV

SECTION 401. When used in this Act:

(a) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, the Canal Zone, American Samoa, and the island of Guam.

Definitions.

"United States."

(b) The term "officer of the customs" means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector, to perform the duties of an officer of the Customs Service.

"Officer of the customs."

(c) The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

"Customs waters."

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

"Hovering vessel."

SEC. 402. If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.

Separability of Act.

SEC. 403. This Act may be cited as the "Anti-Smuggling Act".

Short title.

Approved, August 5, 1935.